



Ohio Administrative Code

Rule 4901:1-16-09 Notice of probable noncompliance; proposed compliance order; and/or proposed forfeiture.

Effective: July 12, 2010

- (A) After an inspection or investigation, the staff may issue a notice of probable noncompliance.
- (B) The staff may issue with the notice of probable noncompliance or separately thereafter:
- (1) A proposed compliance order.
 - (2) A proposed forfeiture.
- (C) The staff may issue an amended notice of probable noncompliance, proposed compliance order, or proposed forfeiture at any time prior to the commencement of a gas pipeline safety proceeding brought pursuant to rule 4901:1-16-12 of the Administrative Code, in order to modify or include additional probable noncompliances or violations, facts, proposed forfeitures and proposed compliance orders. This rule should not be construed to prevent the staff, during the course of a gas pipeline safety proceeding, from seeking a finding of violations not listed in the notice or amended notice of probable noncompliance, from rescinding or refraining from seeking a finding of violations, or from seeking a compliance order or proposed forfeiture that varies from previous notices issued under this rule, provided that the staff's proposed findings and/or violations relate to the same incident, investigation, or safety audit(s).
- (D) Any notice of probable noncompliance, proposed compliance order, proposed forfeiture, or amendments thereto shall be served pursuant to rule 4901:1-16-08 of the Administrative Code.
- (E) The staff findings contained in the notice of probable noncompliance, proposed compliance order, or proposed forfeiture represent the results of the staff investigation. Such findings are not intended to represent the views of the commission or otherwise bind the commission.
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